

REMARKS

Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claims 1, 8 and 14 have been amended to include elements previously found in claims 19, 20 and 21, which have subsequently been canceled. Thus, no new matter has been added as a result of these amendments.

Applicant respectfully traverses the Examiner's rejection of claims 1-2 and 4-15 under 35 U.S.C. § 102(e) as anticipated by Sheen et al., U.S. Patent No. 6,213,995. In order to anticipate, the cited reference must disclose each and every claimed element. Sheen et al. fail to do so and thus cannot be considered as anticipating the claimed invention.

In particular, the claimed invention requires that the second wire be formed of a highly radiopaque material comprising tungsten. Sheen et al. describe conductive wires 44 as being formed of copper, several copper blends and alloys, aluminum, silver, gold, platinum and rhodium. None of these materials are tungsten, and thus Sheen et al. cannot be considered as describing a braid that includes a tungsten wire woven into the braid. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 19-24 under 35 U.S.C. § 103(a) as unpatentable over Sheen et al., U.S. Patent No. 6,213,995. Sheen et al. are distinguished above. The Examiner has asserted that it would be obvious to substitute tungsten for the platinum taught by Sheen et al. This is incorrect. Sheen et al. are directed to forming braided flexible tubing that includes signal transmitting elements. The signal transmitting elements can be electrically conductive wires or optical fibers. Wires 44, to which the Examiner refers, are electrically conductive wires. As described by Sheen et al., wires 44 can be formed from a variety of different metals.

In order to make an electrically conductive wire, one of ordinary skill in the art would be motivated to use a material having a sufficient degree of electrical conductivity. One of skill in the art would not be motivated to use tungsten in forming wires 44 (see Sheen et al.) because tungsten is well known as a poor conductor of electricity. For example, copper, which is a good electrical conductor, has an electrical conductivity of $0.596 \times 10^6 \Omega^{-1} \text{ cm}^{-1}$. Silver is another good electrical conductor having an electrical conductivity of $0.630 \times 10^6 \Omega^{-1} \text{ cm}^{-1}$. In contrast, tungsten is a poor electrical conductor having electrical conductivity of $0.189 \times 10^6 \Omega^{-1} \text{ cm}^{-1}$.

Clearly, one of skill in the art would not be motivated to use tungsten to make an electrically conductive wire and, therefore, would not be motivated to form wires 44 from tungsten.

The Examiner is correct in asserting that tungsten is a known radiopaque material. However, this is irrelevant with respect to modifying the teachings of Sheen et al. as Sheen et al. are unconcerned with radiopacity with respect to wires 44. The only suggestion linking the issue of radiopacity with wires within the braid appear to come from the instantly claimed invention. This is reconstructive hindsight, which is improper. For at least these reasons, there is no motivation to modify Sheen et al. as suggested by the Examiner, and therefore, the rejection should be withdrawn. Favorable reconsideration is respectfully requested.

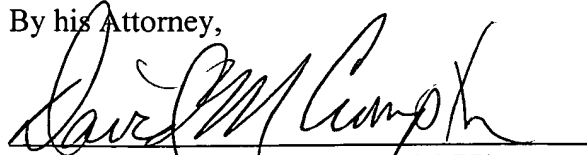
Applicant respectfully traverses the Examiner's rejection of claims 16-18 under 35 U.S.C. § 103(a) as unpatentable over Sheen et al., U.S. Patent No. 6,213,995, in view of Sater et al., U.S. Patent No. 6,068,622. Sheen et al. are distinguished as above. Sater et al. is relied upon to suggest particular features of the catheter shaft. However, as discussed previously in the Amendment filed December 12, 2002, Sater et al. do not describe forming a braid using a highly radiopaque material. Therefore, Sater et al. do not remedy the noted shortcomings of Sheen et al., and thus the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

Reexamination and reconsideration of all pending claims and newly presented claims is respectfully requested. Applicant believes all claims are in condition for allowance and issuance of a Notice of Allowance in due course is anticipated. If a telephone conference may be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his Attorney,



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